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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/920,115

08/02/2001

Robert Green

4788

7590

08/12/2005

Robert Green
955 Evergreen Ave. #1807
Bronx, NY 10473

EXAMINER

STERRETT, JONATHAN G

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,115

Applicant(s)

GREEN, ROBERT

Examiner

Jonathan G. Sterrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Summary

1. **Claims 1-17** are pending in the application.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. **Claims 1, 3 and 12** are rejected under 35 U.S.C. 101 because the invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts: and
- (2) whether the invention produces a useful, concrete and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. In the present case, none of the claims are directed to anything in the technological arts as explained above. Looking at the claims as a whole, nothing in the body of the claims recites any structure or functionality to suggest that a computer performs the recited steps. Regarding **Claim 1**, a database is cited although nothing in the claims prevents a non-electronic database

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(e.g. bookshelve or file cabinet) from being cited to meet the claim limitation. Similarly in **Claims 3 and 12**, print and newspaper limitations are cited. Examiner notes that technology in the preamble of a claim is not granted any patentable weight.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention provides a system for providing information for a voter to make an educated choice; which is a useful, concrete and tangible result. Although the recited process produces a useful, concrete and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, **Claims 1, 3 and 12** are directed to be directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bazin US 2003/0088874** in view of the **League of Women Voters (hereinafter LWV)**.

LWV contained in the following references:

Web.archive.org webpage "LWV California March 2000 Election Coverage",

March 18, 2000, pp.1-2,

web.archive.org/web/20000815073303/http://ca.lwv.org/lwvc.files/mar00/, hereinafter

Reference U1.

Web.archive.org webpage "League of Women Voters: Take Action: Action Alerts", May 10, 2000, pp.1-4, hereinafter **Reference V1.**

Web.archive.org webpage "LWV of California – Who Represents You?", August 15, 2000, pp.1-3,

web.archive.org/web/20000815073215/ca.lwv.org/lwvc.files/repwho.html, hereinafter

Reference W1.

Regarding **Claim 1**, Bazin teaches:

a single database partitioned into: a first section; a second section; a third section; a fourth section; a fifth section; and a sixth section;

paragraph 124, a database is disclosed to handle multimedia communication – see paragraph 221-228, various types of medium including text, video and sound are disclosed. The database disclosed by Bazin is capable including of being partitioned up into a multitude of sections to contain multimedia information, up to and including a sixth section –see also paragraph 215 line 6 'New/Folder' command allows creation of any number of multimedia folders.

Bazin does not teach:

wherein said first section includes how laws are made;

wherein said second section includes bulletins and reports related to making the educated choice;

wherein said third section includes resumes of the candidates;

wherein said fourth section includes performance of the candidates;

wherein said fifth section includes bills introduced the candidates; and

wherein said sixth section includes tracks of the bills introduced by the candidates that includes who is pushing the bills introduced and who is holding the bills introduced up.

LWW teaches:

wherein said first section includes how laws are made;

Reference U1 page 1 paragraph 3 line 3, the initiative process includes how laws are made (i.e. put on ballot).

wherein said second section includes bulletins and reports related to making the educated choice;

Reference V1, action alerts are bulletins and reports related to making the educated choice because they detail issues for helping a voter make an educated choice

wherein said third section includes resumes of the candidates;

Reference W1 page 1, brief resume's are included for each of the elected representatives (some of whom are candidates also).

wherein said fourth section includes performance of the candidates;

Reference W1 page 1 Line 4, elected officials job performance can be tracked using LWV's "Project Vote-Smart" link.

wherein said fifth section includes bills introduced the candidates; and

Reference V1 page 2 paragraph 2 line 4, Action alerts highlight bills as introduced by candidates

wherein said sixth section includes tracks of the bills introduced by the candidates that includes who is pushing the bills introduced and who is holding the bills introduced up.

Reference V1 page 4 paragraph 2 line 1-2, LWV website contains a link to Thomas.loc.gov which provides details on tracking bills, including who is pushing bills and who is holding back introduced bills.

Reference V1 page 3 paragraph 4 line 1-3, action alerts also highlight how candidates oppose legislation – see also paragraph 2 on same page.

Both Bazin and LWV teach providing interactive mass-market communication and thus both Bazin and LWV are analogous art.

Bazin teaches his invention provides a means whereby a user can program their own subjects and view them as desired (paragraph 114 line 7-11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Bazin regarding providing a multimedia database

used for interactive display of information, to include the various steps taught by LWV to provide information to voters, as discussed above, because it would provide voters with the information to make an informed decision when voting.

Regarding **Claim 2**, Bazin teaches:

First means for presenting said first section, said second section, said third section, said fourth section said fifth section, and said sixth section of said single database to the voter.

Paragraph 114 line 7-11, users can program various objects in the database to essential create whatever program they want – see paragraph 144 line 1-5, applications can be created for any audio-visual platform.

Regarding **Claim 3**, Basin teaches:

wherein said first means includes print.

Paragraph 226, the broadcast medium of the invention includes text (i.e. print).

Regarding **Claim 4**, Basin teaches:

Paragraph 225, sound can be broadcasted as a medium.

Basin does not explicitly describe radio. However, official notice is taken that it would be obvious to broadcast in radio as a companion to television broadcasts.

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Information including political advertisements is broadcast on both TV and radio during the time leading up to an election.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collective teachings of Basin and LWV to include radio, because it provides an efficient and readily available alternative to providing a broadcast on television.

Regarding **Claim 5**, Basin teaches:

wherein said first means includes TV.

Paragraph 128, any TV application can be broadcast.

Paragraph 135 mass public broadcasts can be broadcast.

Regarding **Claim 6**, Basin teaches:

wherein said first means includes telecommunications.

Paragraph 111, invention can broadcast over a LAN or internet (i.e. telecommunications).

Regarding **Claim 7**, Basin teaches:

wherein said first means includes CD-ROM.

Paragraph 103, playlist can be put on CD-ROM.

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Regarding **Claim 8**, Basin teaches the use of CD-Rom to convey a broadcast medium. While Basin does not explicitly teach the first means includes computer disc, it would be obvious and it is old and well known in the art to use computer disc because it is a readily available way to convey broadcast information in multimedia (i.e. digital) format.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collective teachings of Basin and LWV to include computer disc, because it provides an efficient and readily available alternative to providing a broadcast on television.

Regarding **Claim 9**, Basin teaches the broadcast media includes text (paragraph 226) but does not explicitly teach the use of fax to convey information. However, Official Notice is taken that fax is a convenient and readily usable way to convey text information.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collective teachings of Basin and LWV to include fax, because it provides an efficient and readily available alternative to providing a broadcast on television.

Regarding **Claim 10**, Basin teaches multimedia information including text, video and html (paragraph's 226, 223 and 227 respectively) but does not explicitly teach email. However, Official Notice is taken that it is old and well known in the art to use email to convey text, video and html.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collective teachings of Basin and LWV to include email, because it provides an efficient and readily available alternative to providing a broadcast on television.

Regarding **Claim 11**, Basin teaches:

wherein said first means includes Internet.

Paragraph 111, invention can broadcast over a LAN or internet (i.e. telecommunications). Paragraph 227, broadcast medium includes HTML.

Regarding **Claim 12**, Basin teaches the use of text as a multimedia medium that can be used to construct a broadcast. Basin does not teach:

wherein said print includes newspapers, magazines, periodicals, newsletters, and inserts.

Official Notice is taken that it is old and well known in the art for printed publications to include newspapers, magazines, periodicals, newsletters and inserts and for these publications to contain material that is relevant to a voter making an informed voting decision.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collective teachings of Basin and LWV to include wherein said print includes newspapers, magazines, periodicals, newsletters, and inserts, because they are well known forms of text that provide information to enable a voter to make an informed decision.

Regarding **Claim 13**, Basin teaches the broadcast of sound using a multimedia system (paragraph 225).

Basin does not explicitly teach:

wherein said radio includes news stations and public service announcements.

However official notice is taken that it is old and well known in the art for radio to include news stations and public service announcements. News stations and public service announcements provide information that is relevant to voters making an informed decision.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collective teachings of Basin and LWV to include wherein said radio includes news stations and public service announcements, because they are well known forms of sound broadcasting that provide information to enable a voter to make an informed decision.

Regarding **Claim 14**, Basin does not teach:

wherein said TV includes PBS and public access channels.

Official Notice is taken that it is old and well known in the art of broadcasting for TV to include PBS and public access channels. PBS and public access channels provide information that enables voters to make an informed decision.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collective teachings of Basin and LWV to include wherein said TV includes PBS and public access channels, because they are well known forms of broadcasting that provide information to enable a voter to make an informed decision.

Regarding **Claim 15**, Basin teaches the use of the internet to provide broadcast services, as discussed above. Basin does not explicitly teach:

wherein said telecommunications includes national, statewide, and local.

However, Official Notice is taken that it is old and well known in the art for telecommunications to include national statewide and local. Internet service providers provide telecommunications coverage that is national, statewide and local. This coverage allows a person to access the internet from across a locality and state and the entire country if necessary.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the collective teachings of Basin and LWV to include wherein said telecommunications includes national, statewide, and local, because they are well known forms of broadcasting that provide information to enable a voter to access telecommunications to make an informed decision.

Regarding **Claim 16**, Basin teaches:

second means for allowing selection of a specific section of said first section, said second section, said third section, said fourth section, said fifth section, and said sixth section of said single database by the voter so as to form a selected section of said single database.

paragraph 114 line 7-11, a user can program various multimedia objects into one project.

Paragraph 193 line 4-6, the media agency part of the program allows a user to organize multimedia content into folders in whatever way they desire (i.e. to allow specific selection of information from various sections of the database, up to and including a first through sixth section).

Regarding **Claim 17**, Basin teaches:

third means for allowing viewing of said selected section of said single database by the voter.

Paragraph 199, the picture is displayed on the screen – this picture is determined by the media agency (i.e. manager) which manages the content selected by the user.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Conway Chronicles, "Special Election Issue", March 28, 2000,
www.conwayschooldistrict.com/chronicles/2000/20000328.html, pp.1-8.

Web.archive.org of League of Women Voters, August 15, 2000, "Smart Voter: Candidate FAQ's", pp.1-4.

California Online Voter Guide, 1998 General Election – Congressional Races,
web.archive.org, calvoter.org, July 8, 2000, pp.1-2.

"Smart Voter by the League of Women Voters. 2000 Elections", web.archive.org, August 15, 2000, pp.1-3.

US 5,227,874 by Von Kohorn discloses a method for measuring the effectiveness of stimuli on shoppers.

US 5,857,181 by Augenbraun discloses a broadcast interactive multimedia system.

US 6,564,263 by Bergman discloses multimedia content description framework.

US 6,850,252 by Hoffberg discloses an electronic appliance for accessing multimedia information.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone number is 571-272-6881. The examiner can normally be reached on 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JGS 8-12-2005



SUSANNA M. DIAZ
PRIMARY EXAMINER
AU 3623